

REMARKS

Applicants' attorney thanks the Examiner for his time and consideration for the interview conducted on July 15, 1999.

Claims 1, 2, 13 and 14 have been amended to more clearly point out and distinctly claim the subject matter which Applicants consider as the invention. Support for the amendments can be found on Page 26, Lines 22 to Page 27, Line 27. No New matter is introduced. Entry is believed to be proper and respectfully requested.

Rejection under 35 U.S.C. §103(a) over Dreier et al. in view of Buchalter, further in view of Duncan

The Office Action rejected Claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over Dreier et al. (U.S. Patent No. 5,171,236) in view of Buchalter (U.S. Patent No. 3,896,807) further in view of Duncan (U.S. Patent No. 3,489,148). The Office Action asserted that "[i]t would have been obvious . . . to apply a lotion as taught by Buchalter, to a diaper as taught by Dreier in a nonuniform manner since Buchalter's substance is not greasy and oily and Duncan teaches that a continuous coating is not needed, which will save money."

Applicants submit that the Dreier/Buchalter/Duncan combination is a diaper having a lotion composition disposed thereon in random droplets. The Dreier/Buchalter/Duncan combination does not teach or suggest applying a lotion composition onto the topsheet in a predetermined pattern having macroscopic open areas (see Page 26, Line 22 to Page 27, Line 27 of the present application). A skilled artisan, reading Dreier/Buchalter/Duncan, would not be motivated to applied the composition onto the diaper surface in the manner described in the present application.

Therefore, Applicants respectfully submit that the rejection has been overcome, and withdrawal of this rejection is respectfully requested.

Judicially-Created Obviousness-Type Double Patenting Rejection over U.S. Patents to Roe in view of Duncan

The Office Action rejected Claims 1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patents No. 5,607,760; 5,609,587; 5,643,588 and 5,635,191 in view of Duncan.

In response, Applicants submit herewith a Terminal Disclaimer over U.S. Patents No. 5,607,760; 5,609,587; 08/884,069 and 5,635,191 to overcome the obviousness-type double patenting. Withdrawal of this rejection is respectfully requested.

CONCLUSION

The above represents a complete response to the rejections under 35 U.S.C. §103(a) and the judicially-created doctrine of obviousness-type double patenting. Applicants believe that this response places Claims 1-27 in condition for allowance. Reconsideration, withdrawal of rejections and allowance are respectfully requested.

Respectfully submitted,
FOR: Roe et al.

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